

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Chelstrom on 5/11/09.

The application has been amended as follows:

In the Title: Delete "System and".

In the Abstract:

Line 1, replace "comprising" with --with-. Join all text into a single paragraph.

In the Claims:

Delete claim 4.

In claims 3-6 and 14, replace "claim 4" of each with --claim 1-.

In claim 1, insert the following at the end:

--wherein said method further comprises the step of removing the first beverage cartridge from the beverage preparation machine before inserting the second beverage cartridge into said beverage preparation machine--.

Examiner's Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

In view of Applicant's remarks in the Appeal Brief, it was determined that incorporating the limitations of claim 4 into claim 1 would put the application in condition

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for allowance. The prior art of record neither discloses nor teaches such invention as claimed in modified claim 1. In particular, in conjunction with Applicant's convincing arguments regarding claim on pages 7-11 of the Appeal Brief filed 2/11/09 it should be noted that Fanzutti does not teach preparation of a coffee using two cartridges that are used consecutively with removal of the first cartridge before applying the second cartridge. There would be no motivation to apply consecutive use of cartridges as called for in the instant claims .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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